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15 UNITED STATES DISTRICT COURT

16 DISTRICT OF NEVADA

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18 ORACLE USA, INC., a Colorado corporation;
19 ORACLE AMERICA, INC., A Delaware
20 corporation; and ORACLE INTERNATIONAL
21 CORPORATION, a California corporation,

22 Plaintiffs,
23 v.
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RIMINI STREET, INC., a Nevada corporation;
AND SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**ORACLE'S UNOPPOSED MOTION
FOR A CASE MANAGEMENT
CONFERENCE TO DISCUSS
SETTING A TRIAL SCHEDULE**

Judge: Hon. Larry R. Hicks

Pursuant to Civil Local Rule 16-2, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp. (collectively, “Oracle” or “Plaintiffs”) submit this motion requesting that the Court schedule a Case Management Conference (“CMC”) for the purpose of discussing setting a trial schedule. This case was originally filed in January 2010 – almost four years ago. Fact and expert discovery have long since closed, and summary judgment motions have been pending for more than a year. Setting a trial schedule will allow this case to be brought to resolution. Accordingly, Oracle requests that the Court schedule a CMC at which the parties can discuss with the Court the setting of a trial schedule.

Prior to filing this motion, Oracle met and conferred with Defendants Rimini Street, Inc. and Seth Ravin (collectively, “Rimini” or “Defendants”). Defendants stated they are not opposed to the setting of a CMC if the Court is of the opinion that such a conference would be productive.

I. PROCEDURAL BACKGROUND

Oracle filed this action on January 25, 2010. Dkt 1 (Complaint). Fact discovery closed on December 5, 2011. Dkt 161 at 9 (modified scheduling order). Expert discovery closed on May 18, 2012. Dkt 232 at 3 (modified scheduling order). Oracle filed two motions for partial summary judgment. The first was filed on March 30, 2012 (Dkt 237 (Motion)), and briefing was completed on May 15, 2012 (Dkt 284 (Reply)). Oracle filed its second motion for partial summary judgment on September 14, 2012 (Dkt 405 (Motion)), and briefing was completed on October 26, 2012 (Dkt 454 (Reply)). There are no other pending motions, and currently there is no trial date set.

II. ORACLE REQUESTS A CMC

Civil Local Rule 16-2 states that “[a] party may at any time make written request for a pretrial conference to expedite disposition of any case, particularly one which is complex or in which there has been delay.” This case is complex, and there has been delay, which is prejudicial to the parties. Oracle alleges copyright infringement and related claims against Rimini, and Rimini denies wrongdoing and alleges a counterclaim for defamation. While this case remains unresolved, neither side is vindicated, and both are required to deal with business

1 uncertainty. Scheduling a date for a jury trial, and then related dates for pretrial deadlines (such
2 as Daubert motions and motions in limine) will allow the parties to plan and will enable the
3 Court to bring this case to its finish. Given the complexities of this case, Oracle believes that a
4 discussion with the Court at a CMC concerning pretrial deadlines and a trial schedule would be
5 an efficient and useful way to address trial scheduling issues. Accordingly, Oracle requests that
6 the Court schedule a CMC at a date and time convenient for the Court.

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8 DATED: January 10, 2014

BINGHAM McCUTCHEN LLP

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Attorneys for Plaintiffs

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 10, 2014, I served via CM/ECF a true and correct copy
3 of the foregoing document to all parties and counsel as identified on the CM/ECF-generated
4 Notice of Electronic Filing.

5 DATED: January 10, 2014

6 BINGHAM McCUTCHEN LLP

7 By: _____ /s/ Geoffrey M. Howard

8 Geoffrey M. Howard
9 Attorneys for Plaintiffs
10 Oracle USA, Inc., Oracle America, Inc.,
11 and Oracle International Corp.

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